

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 507

Introduced by Senator Cannella

February 21, 2013

An act to amend ~~Section~~ *Sections 451.1 and 451.5* of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

SB 507, as amended, Cannella. Arson: commercial livestock farms.

Existing law specifies a 3-, 4-, or 5-year enhancement for a felony conviction of arson in specified circumstances, including previous convictions for arson or aggravated arson or when a firefighter, peace officer, or other emergency personnel suffered great bodily injury as a result of the offense.

This bill would authorize the enhancement to be imposed if the fire was set with the intent to disrupt the commercial operations of an animal feeding operation, an animal feedlot, or livestock salesyard.

Existing law creates the crime of aggravated arson, and, in pertinent part, makes a person guilty of that crime if he or she willfully, maliciously, deliberately, with premeditation, and with intent to cause injury to a person or cause damage to a property under circumstances likely to produce injury or damage, sets fire to or burns a structure, forest land, or property if one of specified aggravating factors exist, including that the property damage or other losses exceed \$6,500,000.

This bill would specify that an aggravating factor exists if the fire was set with the intent to disrupt the commercial operations of an animal feeding operation, animal feedlot, or livestock salesyard. Because this bill would expand the scope of ~~a crime~~ *existing crimes*, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 451.1 of the Penal Code is amended to
2 read:

3 451.1. (a) Notwithstanding any other law, ~~any~~ a person who
4 is convicted of a felony violation of Section 451 shall be punished
5 by a three-, four-, or five-year enhancement if one or more of the
6 following circumstances is found to be true:

7 (1) The defendant has been previously convicted of a felony
8 violation of Section 451 or 452.

9 (2) A firefighter, peace officer, or other emergency personnel
10 suffered great bodily injury as a result of the offense. The additional
11 term provided by this subdivision shall be imposed whenever
12 applicable, including any instance in which there is a violation of
13 subdivision (a) of Section 451.

14 (3) The defendant proximately caused great bodily injury to
15 more than one victim in any single violation of Section 451. The
16 additional term provided by this subdivision shall be imposed
17 whenever applicable, including any instance in which there is a
18 violation of subdivision (a) of Section 451.

19 (4) The defendant proximately caused multiple structures to
20 burn in ~~any~~ a single violation of Section 451.

21 (5) The defendant committed arson as described in subdivision
22 (a), (b), or (c) of Section 451 and the arson was caused by use of
23 a device designed to accelerate the fire or delay ignition.

24 (6) *The fire was set with the intent to disrupt the commercial*
25 *operations of an animal feeding operation, an animal feedlot, or*
26 *livestock salesyard.*

27 (b) The additional term specified in subdivision (a) shall not be
28 imposed unless the existence of ~~any~~ a fact required under this
29 section shall be alleged in the accusatory pleading and either

1 admitted by the defendant in open court or found to be true by the
2 trier of fact.

3 ~~SECTION 1.~~

4 *SEC. 2.* Section 451.5 of the Penal Code is amended to read:

5 451.5. (a) A person who willfully, maliciously, deliberately,
6 with premeditation, and with intent to cause injury to one or more
7 persons or to cause damage to property under circumstances likely
8 to produce injury to one or more persons or to cause damage to
9 one or more structures or inhabited dwellings, sets fire to, burns,
10 or causes to be burned, or aids, counsels, or procures the burning
11 of a residence, structure, forest land, or property is guilty of
12 aggravated arson if one or more of the following aggravating
13 factors exists:

14 (1) The defendant has been previously convicted of arson on
15 one or more occasions within the past 10 years.

16 (2) (A) The fire caused property damage and other losses in
17 excess of six million five hundred thousand dollars (\$6,500,000).

18 (B) *In calculating the total amount of property damage and*
19 *other losses under subparagraph (A), the court shall consider the*
20 *cost of fire suppression.*

21 (3) The fire caused damage to, or the destruction of, five or
22 more inhabited structures.

23 (4) The fire was set with the intent to disrupt the commercial
24 operations of an animal feeding operation, an animal feedlot, or
25 livestock salesyard.

26 (b) A person who is convicted under subdivision (a) shall be
27 punished by imprisonment in the state prison for 10 years to life.

28 (c) A person who is sentenced under subdivision (b) shall not
29 be eligible for release on parole until 10 calendar years have
30 elapsed.

31 ~~SEC. 2.~~

32 *SEC. 3.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O